

AO 106 (Rev. 04/10) Application for a Search Warrant

MAR 19 2018

UNITED STATES DISTRICT COURT

for the

Western District of Washington

BY

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

Two Cell Phones:

Kyocera S2151 DEC: 268435462512453975

Kyocera S2151 DEC: 268435462512453494

Case No.

MJ18-122

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is attached hereto and incorporated herein by this reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, which is attached hereto and incorporated herein by this reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

| Code Section | Offense Description |
|-----------------------|--|
| 21 U.S.C. 841 and 846 | Drug Trafficking |
| 18 U.S.C. 922 | Unlawful Possession of A Firearm |
| 18 U.S.C. 924 | Possession of a Firearm in Furtherance of a Drug Trafficking Crime |

The application is based on these facts:

See attached Affidavit

- ☒ Continued on the attached sheet.
☐ Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

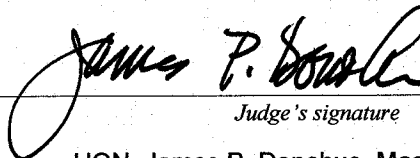
Special Agent R. Michael Gallegly, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/19/2018

City and state: SEATTLE, WASHINGTON



Judge's signature

HON. James P. Donohue, Magistrate Judge

Printed name and title

2016R00420

1 **AFFIDAVIT OF R. MICHAEL GALLEGLY**

2 STATE OF WASHINGTON)
)
 3 COUNTY OF KING) ss
 4

5 I, R. MICHAEL GALLEGLY, a Special Agent with Homeland Security
 6 Investigations, Seattle, Washington, having been duly sworn, state as follows:

7 **INTRODUCTION AND AGENT BACKGROUND**

8 1. I make this affidavit in support of an application under Rule 41 of the Federal
 9 Rules of Criminal Procedure for a search warrant authorizing the examination of a cellular
 10 telephone, hereinafter the "SUBJECT DEVICES," that are currently in law enforcement
 11 possession, and the extraction from those devices of electronically stored information
 12 described in Attachment B.

13 2. I am a Special Agent with U. S. Homeland Security Investigations (HSI) and
 14 have been so since August 2009. My first seven years I was assigned to the controlled
 15 substances and bulk cash smuggling group in Seattle, Washington. Over the last year I
 16 have been a member of the South Sound Investigations group in Seattle, Washington, still
 17 specializing in controlled substances and bulk cash smuggling investigations. While
 18 employed with HSI, I have attended numerous training courses, including the Immigration
 19 and Customs Enforcement Special Agent Training course, Criminal Investigator Training
 20 Program, and specialized courses in narcotics trafficking investigations. In addition, I have
 21 run and participated in multiple wire intercept investigations. Because of this experience
 22 and training, I am familiar with common methods of investigating drug trafficking and
 23 manufacturing organizations, and have become familiar with the methods of operation of
 24 drug traffickers and manufacturers, including, but not limited to: their methods of
 25 importing, exporting, storing, concealing, and packaging drugs; their methods of
 26 transferring and distributing drugs, their use of cellular telephones and telephone pagers;
 27 their use of numerical codes, code words, and counter-surveillance; and other methods of
 28 avoiding detection of law enforcement. I am also familiar with the various methods of

1 packaging, delivering, transferring, and laundering drug proceeds. Additionally, through
2 training and experience, I can identify illegal drugs by sight and texture. I am trained to
3 use a field test kit to identify the presumptive presence of controlled substances.

4 3. The facts set forth in this Affidavit are based on my own personal knowledge;
5 knowledge obtained from other individuals during my participation in this investigation,
6 including other law enforcement officers; review of documents and records related to this
7 investigation; communications with others who have personal knowledge of the events and
8 circumstances described herein; and information gained through my training and
9 experience.

10 4. Because this Affidavit is submitted for the limited purpose of establishing
11 probable cause in support of the application for a search warrant, it does not set forth each
12 and every fact that I or others have learned during the course of this investigation. I have
13 set forth only the facts that I believe are necessary to establish probable cause to believe
14 that the SUBJECT DEVICES contain evidence, fruits, and instrumentalities of violations
15 of Title 21, United States Code, Sections 841(a)(1) and 846 (including Conspiracy to
16 Distribute Controlled Substances and Possession with Intent to Distribute Controlled
17 Substances), Title 18 United States Code, Section 922(g) (Unlawful Possession of a
18 Firearm) and Title 18 United States Code, Section 924(c) (Possession of a Firearm in
19 Furtherance of a Drug Trafficking Crime).

20 **IDENTIFICATION OF THE SUBJECT DEVICES TO BE EXAMINED**

21 5. The SUBJECT DEVICES are currently located in the HSI Seattle secure
22 evidence room, 1000 2nd Ave, Seattle, Washington 98104. The SUBJECT DEVICES
23 are:

24 a. Cell phone: Kyocera Model S2151 Kona, DEC:
25 268435462512453975, which Oscar BARRON-Gonzalez agreed law enforcement could
26 search at the time of the service of the search warrant at 306 Willow Ave, Sultan,
27 Washington 98294, on April 26, 2016 ("hereafter BARRON-GONZALEZ KYOCERA");
28

1 b. Cell phone: Kyocera Model S2151 Kona, DEC:
2 268435462512453494, found on Tomas MEZA-De La Cruz at the time of his arrest on
3 April 26, 2016 ("hereafter MEZA KYOCERA").

4 6. The warrant would authorize the forensic examination of the SUBJECT
5 DEVICES for the purpose of identifying electronically stored data particularly described
6 in Attachment B.

7 **PROBABLE CAUSE**

8 7. On April 26, 2016, agents executed a search warrant at 306 Willows Ave,
9 Sultan, Washington ("Sultan House"). Agents found at the house 246 grams of pure
10 methamphetamine, more than 2800 grams of heroin, a Glock 19 semi-automatic pistol, and
11 over \$6,500 in cash.

12 8. Agents also encountered Oscar Uriel Barron-Gonzalez, a minor male, and an
13 eighteen-year-old woman at the Sultan House. At the time, Barron-Gonzalez had
14 possession of the BARRON-GONZALEZ KYOCERA and signed a written form
15 consenting to the agents' search of his phone. He now disputes the validity of that consent.

16 9. During their search of the Sultan House, agents also found identification
17 documents belonging to Tomas Meza-De La Cruz and Luis Ramirez-Arredondo. Both
18 individuals had been arrested earlier that day in connection with a controlled purchase of
19 over 7 kilograms of heroin. Agents seized the heroin as part of the operation and later sent
20 the plastic wrapping in which the heroin was packaged to the Homeland Security
21 Investigations Forensic Laboratory for fingerprint analysis. A fingerprint specialist
22 analyzed the wrapping and found three fingerprints on it that matched known fingerprints
23 belonging to Barron-Gonzalez.

24 10. When Meza-De La Cruz was arrested, he had the MEZA KYOCERA in his
25 possession, and agents seized the phone.

26 11. A grand jury sitting in the Western District of Washington charged Tomas
27 Meza-De La Cruz and Luis Ramirez-Arredondo with Conspiracy to Distribute Heroin in
28

1 violation of 21 U.S.C. §§ 841 and 846 in connection with the controlled purchase of 7
2 kilograms of heroin on April 26, 2016.

3 12. Meza-De La Cruz pleaded guilty to Conspiracy to Distribute Heroin in
4 violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846, and Unlawful Possession of a
5 Firearm, in violation of 18 U.S.C. §§ 922(g)(5) and 2. Meza-De La Cruz's signed plea
6 agreement confirmed that Barron-Gonzalez was a member of his drug conspiracy.

7 13. Ramirez-Arredondo pleaded guilty to Conspiracy to Distribute Heroin in
8 violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846. Ramirez-Arredondo's signed
9 plea agreement confirmed that Barron-Gonzalez was a member of his drug conspiracy.

10 14. On February 14, 2018, a grand jury sitting in the Western District of
11 Washington returned a Second Superseding Indictment charging Barron-Gonzalez with
12 one count of Conspiracy to Distribute Controlled Substances in violation of 21 U.S.C.
13 §§ 841(a)(1), 841(b)(1)(A), and 846; three counts of Possession of Controlled Substances
14 in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); one count of Possession of a
15 Firearm in Furtherance of a Drug Trafficking Offense in violation of 18 U.S.C. §
16 924(c)(1)(A); and one count of Unlawful Possession of a Firearm in violation of 18 U.S.C.
17 § 922(g)(5)(A).

18 15. Based on my training and experience, I know that drug traffickers often use
19 cell phones in the course of their drug trafficking activities, and I personally witnessed
20 Meza-De La Cruz use a cellular phone during the events leading up to his arrest on April
21 26, 2016. Based on my training and experience, I know that drug traffickers use cellular
22 telephones to pass on orders to coconspirators regarding to where, when and to whom to
23 supply drugs, to let each other know when they suspect law enforcement is in the area, how
24 and how much drugs to package/process and in order to reach out to their drug suppliers,
25 often outside the United States, among other things.

26 16. I also know that cellular phones contain evidence related to drug dealing. In
27 particular, a cellular phone often stores call records, contact lists, text messages, videos,
28

1 photos and recordable notes that can provide evidence of drug trafficking conspiracies,
2 including evidence that drug traffickers know one another and work together.

3 **PREVIOUS SEARCHES OF THE SUBJECT DEVICE**

4 17. Based on Barron-Gonzalez's written consent to search the BARRON-
5 GONZALEZ KYOCERA on April 26, 2016, agents manually reviewed the device that
6 day. The agent who reviewed the device saw that it contained a saved contact for "Tomas,"
7 which was Meza-De La Cruz's first name. The number stored on the BARRON-
8 GONZALEZ KYOCERA that was associated with "Tomas" was 425-791-5828.

9 18. On September 19, 2016, Magistrate Judge James P. Donohue signed a search
10 warrant authorizing the search of the SUBJECT DEVICES and other digital devices. Based
11 on that warrant, HSI examined the devices. The examining agent saw that the BARRON-
12 GONZALEZ KYOCERA had a contact for "Tomas" associated with phone number 425-
13 791-5828. On the BARRON-GONZALEZ KYOCERA, agents found text messages
14 between it and 425-791-5828. Agents also searched the MEZA KYOCERA. The
15 examining agent analyzed the phone's stored information, which confirmed that the MEZA
16 KYOCERA used the phone number 425-791-5828.

17 19. When examining the BARRON-GONZALEZ KYOCERA, the examining
18 agent did not take photographs or otherwise record the substance of the texts between the
19 BARRON-GONZALEZ KYOCERA and MEZA KYOCERA.


20 20. Based on the search of the SUBJECT DEVICES, I know that the devices are
21 the type of phone commonly referred to as a "flip phone." They have limited capabilities
22 when compared with "smart phones," such as iPhones. The SUBJECT DEVICES appeared
23 to be capable of storing telephone numbers, names, text messages, images, and information
24 about the devices, but they did not appear capable of receiving, sending, or storing emails.
25 They also did not appear to use other electronic communication applications, such as
26 WhatsApp.

27 21. The SUBJECT DEVICES are currently in the lawful possession of
28 Homeland Security Investigations, located at 1000 2nd Ave, Seattle, Washington 98104. In

1 my training and experience, I know that the SUBJECT DEVICES have been stored in a
2 manner in which their contents are, to the extent material to this investigation, in
3 substantially the same state as they were when the SUBJECT DEVICES first came into the
4 possession of the Homeland Security Investigations.

5 **CONCLUSION, REQUEST FOR SEALING OF APPLICATION**

6 22. Based on the foregoing, I respectfully submit there is probable cause to
7 believe the SUBJECT DEVICES contains evidence of violations of Title 21, United States
8 Code, Sections 841(a)(1) and 846 (including Conspiracy to Distribute Controlled
9 Substances and Possession with Intent to Distribute Controlled Substances), Title 18
10 United States Code, Section 922(g) (Unlawful Possession of a Firearm) and Title 18 United
11 States Code, Section 924(c) (Possession of a Firearm in Furtherance of a Drug Trafficking
12 Crime). In particular, I believe the SUBJECT DEVICES contain communications that help
13 to prove Barron-Gonzalez was part of a drug trafficking conspiracy with Meza-De La Cruz,
14 and in that capacity, he may have possessed a firearm and possessed it in furtherance of a
15 drug trafficking conspiracy. I further submit that this affidavit supports probable cause for
16 a search warrant authorizing the examination of the SUBJECT DEVICES described in
17 Attachment A to seek the items described in Attachment B

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19
20 

21 R. MICHAEL GALLEGLY, Affiant
22 Special Agent, Homeland Security
Investigations

23
24 SUBSCRIBED AND SWORN before me this 19th day of March, 2018.

25
26
27 
28 HON. JAMES P. DONOHUE
United States Magistrate Judge

ATTACHMENT A

The property to be searched is:

a. Cell phone: Kyocera Model S2151 Kona, DEC: 268435462512453975, which Oscar BARRON-Gonzalez agreed law enforcement could search at the time of the service of the search warrant at 306 Willow Ave, Sultan, Washington 98294, on April 26, 2016; and

b. Cell phone: Kyocera Model S2151 Kona, DEC: 268435462512453494, found on Tomas MEZA-De La Cruz at the time of his arrest on April 26, 2016.

This warrant authorizes the forensic examination of the SUBJECT DEVICES for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT B

1. All records on the devices described in Attachment A that relate to violations of Title 21, United States Code, Sections 841(a)(1) and 846 (including Conspiracy to Distribute Controlled Substances and Possession with Intent to Distribute Controlled Substances), Title 18 United States Code, Section 922(g) (Unlawful Possession of a Firearm) and Title 18 United States Code, Section 924(c) (Possession of a Firearm in Furtherance of a Drug Trafficking Crime), including but not limited to:

a. Telephone numbers and contact information pertaining to coconspirators, customers, and associates;

b. Communications, including text messages, indicating individuals' knowledge and connections to each other;

c. Communications about drug trafficking, including communications about the types, amounts, and prices of drugs; dates, places, and amounts of transactions; and tools and devices used to facilitate drug trafficking;

d. Any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying information);

e. Any information recording coconspirators' schedule or travel from April 1, 2016, to April 26, 2016; and

f. Any information that would establish dominion and control over any firearms.

2. Evidence of user attribution showing who used or owned the SUBJECT DEVICES at the time of the events described in this warrant, including evidence of the phone number, registration, and other identifying information pertaining to the SUBJECT DEVICES themselves;

As used above, the term "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.